

A CENTURY OF PLANNING IN BISMARCK

City of Bismarck Community Development Department – Planning Division

May 2021

The City of Bismarck, North Dakota, has practiced formal land use planning for nearly a century, enabling city leaders to apply a thoughtful and consistent approach to zoning and land use regulation, the development of infrastructure, and effective delivery of municipal services. This historical review is intended to show the evolution of plan-making by the City, which has adapted to changes in technology and public demands over the years, as well as how the plans have actually influenced the built environment. Lessons from previous plans and their implementation can be applied to the City of Bismarck's comprehensive planning efforts in the present.

The Advent of Zoning and Land Use Controls (1924 – 1934)

The City of Bismarck was an early adopter of the modern practice of zoning. Bismarck was one of 62 cities in the nation to pass its first zoning ordinance in 1924, the very same year the U.S Department of Commerce published a final version of the Standard State Zoning Enabling Act to encourage the practice. North Dakota had utilized a draft release of this act to pass their own city zoning enabling legislation a year earlier during the 18th Legislative Assembly. The option was made available to Fargo, Minot, Grand Forks, and Bismarck, all cities with a population of 6,000 or greater. North Dakota's capital city was the first to adopt a zoning ordinance in North Dakota.

The State Legislature made it clear in the 1923 session laws that, "such [zoning] regulation shall be made in accordance with a comprehensive plan." At issue was not simply the effectiveness of the regulation, but its viability as a novel use of constitutional police powers. The U.S. court system had barely begun to weigh in on various land use regulations, so it was paramount to ensure consistency of application and a clear connection to the health, safety, and welfare of the public.

A Zoning Commission was appointed to oversee the development of the initial plan and ordinance for Bismarck. According to the chair of the commission, they borrowed heavily from other cities that already practiced zoning. The plan was presented to the public in a hearing on May 16, 1924 and then modified based on some comments from landowners. At the next City Commission meeting, the plan was accepted and filed. The zoning ordinance was then adopted on June 9 after another public hearing process. Bismarck's new zoning law was tested in the North Dakota State Supreme Court in the case *Bismarck v. Hughes* in 1926, which is the same year the U.S. Supreme Court decided on the landmark zoning case of *Euclid v. Ambler*. The North Dakota Supreme Court upheld the validity of Bismarck's zoning ordinance.

In 1929, the North Dakota Legislature expanded authorities of municipalities in what was referred to as the Planning Act. Cities could appoint a Planning Commission to adopt an official master plan governing the future physical development of the community. The act also granted subdivision control to the Planning Commission, both inside city limits and all territory within six miles of the city. This was the origin of the practice known after the mid-1970s as extraterritorial authority.

Bismarck did not adopt an official master plan, showing future rights-of-way and development areas, in the early years. This may be because the plats that had already been recorded functioned, by sheer scale, as a long-range master plan. Perhaps due to a desire to exude optimism about Bismarck's prospects, or more cynically to create an abundance of investment vehicles for land speculators, the early plats for Bismarck far exceeded its immediate need for developable land. Of the roughly 8,300 lots platted in the 1800s, three out of four remained undeveloped by the 1920s.

Edwinton and the other early plats established a 300-foot square grid pattern, the convention used throughout the upper-midwest by the Northern Pacific Railroad Company until the 1890s. This street network provided a consistent framework for early city development. Initially centered symmetrically around the rail station, city growth naturally moved to higher land to the north. While the grid gave predictability and developable lot geometries, it lacked any awareness for natural conditions. Approximately a third of the Edwinton plat on the south side did not develop until a century after it was recorded, due to susceptibility to flooding.

The 1920s were a demographic turning point for North Dakota. For the first time, the state was losing population in rural areas. Small cities were remaining steady, but the major cities were absorbing the vast majority of the state's growth. The population of the City of Bismarck grew by 4.5% each year during this decade, a faster rate than even the peak of the oil boom in the 2010s. Although North Dakota would not become a majority urban state until the 1980s, this trend toward urbanization into the major cities of the state would continue unabated to the present. Therefore, growth management was a core purpose of planning and zoning in North Dakota from the beginning.

First Steps of the Planning Commission (1935 – 1945)

The City of Bismarck Planning Commission was created in 1935, six years after the state legislature passed the Planning Act. Their first action was to collect and revise the City's zoning ordinances, which were initially adopted in 1924 and first codified in 1926. The issues of concern to the first Planning Commission were common to that era: to protect properties against incompatible uses, limit overcrowding to enable enjoyment of light and air, and maintain separate districts for commercial, residential, and industrial land uses.

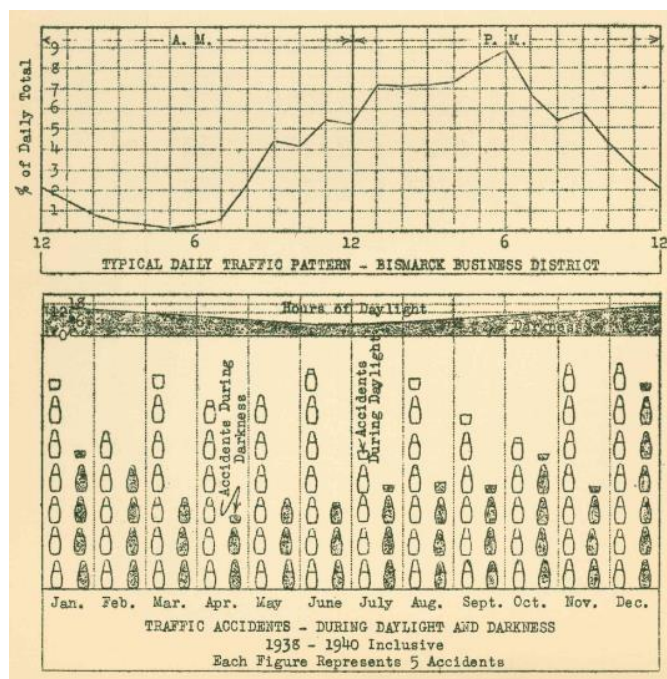
The Planning Commission's first major planning endeavor began in 1940 with assistance from the National Resources Planning Board, an arm of the Works Progress Administration established by executive order from President Franklin Roosevelt. The primary purpose of the plan was to create a six-year capital improvement program for public facilities, but it also included an initial *Plan for Development*. While this



Source: Bismarck Tribune May 10, 1924

plan included a wealth of data collected by the National Planning Resource Board, it was carefully qualified as only a first step toward a true comprehensive plan for the City.

The plan recommended revisions to the zoning ordinance, a majority of which were implemented as written. This included minimum lot sizes, building height limitations, and other dimensional standards. The plan noted that outlying areas of the city, “entail high cost of providing public services and produce little in revenue.” At that time, many of the homes in outlying areas were deemed substandard in quality. The creation of a Housing Authority was recommended, an option enabled through the United States Housing Authority Act of 1937. The plan also recommended a model subdivision ordinance, which was subsequently adopted and remains mostly intact today.



Source: 1941 Plan for Development

An important theme of the plan was to help the city adapt to a transportation system built for motorized vehicles, which had become affordable and widespread over the previous decade. A street pattern designed for higher speed and free-flowing traffic was preferred over the older pedestrian-oriented grid-like street network. New streets should be wider, up to 30 feet wide in residential areas. Parking in the downtown was deemed a serious problem and studied in detail. Minimum parking requirements for new development were recommended to ensure that enough parking would be available to meet the public’s growing needs. Public facilities were also considered, with a target for a school within a half mile of each pupil. The plan noted that the City already had a very large amount of park land for its size but could benefit from more recreational facilities.

The National Resources Planning Board created similar plans for communities all over the nation, often drawn directly from model ordinances or provisions referencing state enabling acts. While the agency could provide expert advice to communities, often based on local data that was extensively collected, it also had a homogenizing effect on cities around the nation. There is little evidence that the public participated in the creation of the *Plan for Development* or was solicited for feedback in any way. However, a subcommittee derived from the major local government boards was convened to provide oversight of the consultant drafting the plan. The plan was adopted by the City Commission, without any concerns noted in the minutes, and proved to be remarkably influential upon Bismarck’s land use policy.

As thorough as the *Plan for Development* was, the Planning Commission appears to have still avoided creating an official master plan through the 1940s. This is true, even though the Bismarck Code of Ordinances from 1935 references such a plan and subdivision plats approved by the City have routinely purported to amend such a plan. This master plan document, intended to be filed with the county recorders’ office, was to display planned streets and other public facilities and function as a standard by

which future subdivision plats would be evaluated. This option would not be exercised until a later period of development.

The *Plan for Development* was adopted during the nation's war effort with little development occurring locally. Moreover, at the time the plan was adopted, land had been platted and annexed well beyond the developed area of the City. The plat for Fishers Addition, just east of the State Capitol grounds, had been recorded for more than 50 years but very few of its more than a thousand lots were built on.

The population of Bismarck grew at an average rate of 1.9% per year in the 1940s, but this rate jumped to 4% per year in the 1950s. The housing market boomed in Bismarck. Reportedly, the City Auditor Myron Atkinson anticipated this post-war housing boom and purchased several railcars worth of water pipe just as the war was concluding.

When economic growth resumed in Bismarck, the effects of the plan began to take shape in the built environment. The Highland Acres subdivision was exactly the kind of modern suburban neighborhood, with curvilinear streets and abundant light and air, that was envisioned by the Plan and codified into the subdivision ordinance. Urban design was following the changing tastes of mid-century Americans and was also heavily influenced by federal housing finance and transportation policies. While Bismarck's adopted plans and ordinances may not have been the sole cause of these changes, it's certainly true that they were well aligned with the zeitgeist of the era.

Mid-Century Comprehensive Plans (1965 – 1973)

The first plan to self-identify as a "comprehensive land use plan" was undertaken in the mid-1960s and titled *Bismarck Plans*. The consulting firm Tafton Bean & Associates prepared the report throughout 1965, and a joint meeting was held on February 10, 1966 to review and approve the plan. The plan was a truly collaborative endeavor, funded and guided by the City of Bismarck, Burleigh County, the School Board, Montana-Dakota Utilities, and Northwestern Bell Telephone Company.

Two increments of future growth were envisioned by *Bismarck Plans*: the next 8,000 and the next 36,000 in population, which were projected with reasonable accuracy to be met by 1980 and the mid-1990s, respectively. A small amount of rural development was projected, called "fringe area" residential, but most of the growth was expected to be urban, especially directed toward the north. Interstate 94 had recently been completed by the federal Department of Transportation, and it was reasonable to assume the city's center of gravity would shift toward this high-capacity gateway corridor. Furthermore, although only briefly noted in the plan, large swathes of south Bismarck had been subject to flooding prior to construction of the Garrison Dam in the 1940s and 50s were now considered viable lands for development.

While the plan fairly accurately predicted future residential development, commercial growth did not occur as anticipated. The plan called for commercial expansion to the east of downtown along East Main Avenue. With implementation of the plan, many blocks of existing mixed residential and industrial uses were rezoned to commercial zoning districts in advance. This commercial expansion did not occur to the degree expected, and many of the existing uses remain non-conforming to this day.

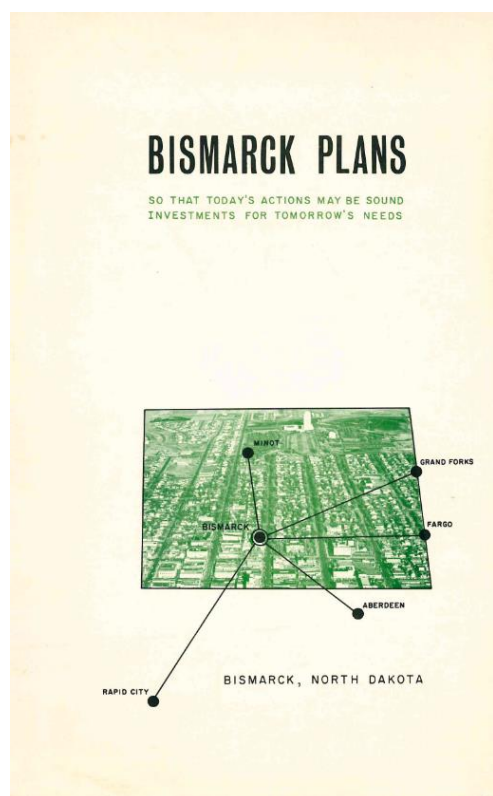
The plan also expected the downtown to remain the dominant business district for the community. Instead, the commercial growth in Bismarck followed the same pattern as virtually every other city in the nation. Kirkwood Mall was developed only five years later as the primary regional shopping center, setting the stage for an era of competition with the existing central business district just to the north. While the plan

did identify small nodes of business activity at the interchanges of Interstate 94, it did not envision the degree to which the Interstate and major highway corridors would drive retail and services for the next several decades.

Bismarck Plans also addressed many of the same dimensional standards the 1940s-era plan had, only calling for public facilities to further expand in size and scope to accommodate modern needs. New residential streets should now be 36 feet in width. Elementary school sites and neighborhood parks should be to at least five acres in size. Although not explicitly mentioned, many of these standards were direct references to guidance promulgated by national organizations at the time. On the one hand, this likely reflects the increasing preponderance of motor vehicles and the need for the space to store them when not in use, but it also indicates growing community affluence with higher expectations for levels of service and amenities.

Implementation of *Bismarck Plans* was more subtle than the previous *Plan for Development*. No wholesale changes to the ordinances were recommended, but instead a consistent application of existing policies and a more cautious approach toward the development review process. The most significant advancement was the introduction of a land use plan map, categorizing future growth areas as residential, commercial, or

industrial. Zoning would be used for areas that were ready for imminent development, while the Land Use Plan would provide a guide for future zoning changes. This is a concept that would remain and evolve through future comprehensive plans in Bismarck.



Source: 1965 Bismarck Plans

During the May 1966 Planning Commission meeting, *Bismarck Plans* was cited as a justification to deny a request to rezone land for a hospital just north of the Highland Acres neighborhood. The proposed new hospital did not conform to the plan, which showed low-density residential expansion in this area. Neighbors protested this action, noting that property owners make their own investment decisions based on plans adopted by the City. The applicants withdrew the request and the next year filed the Bismarck Hospital Addition for a site just north of the Tyler Parkway interchange. The new site was also planned as a residential area, but this more remote location did not receive any opposition and was approved by the Planning Commission. In the end, the development did not occur, and Bismarck Hospital remained in its downtown location, currently operated as Sanford Medical Center.

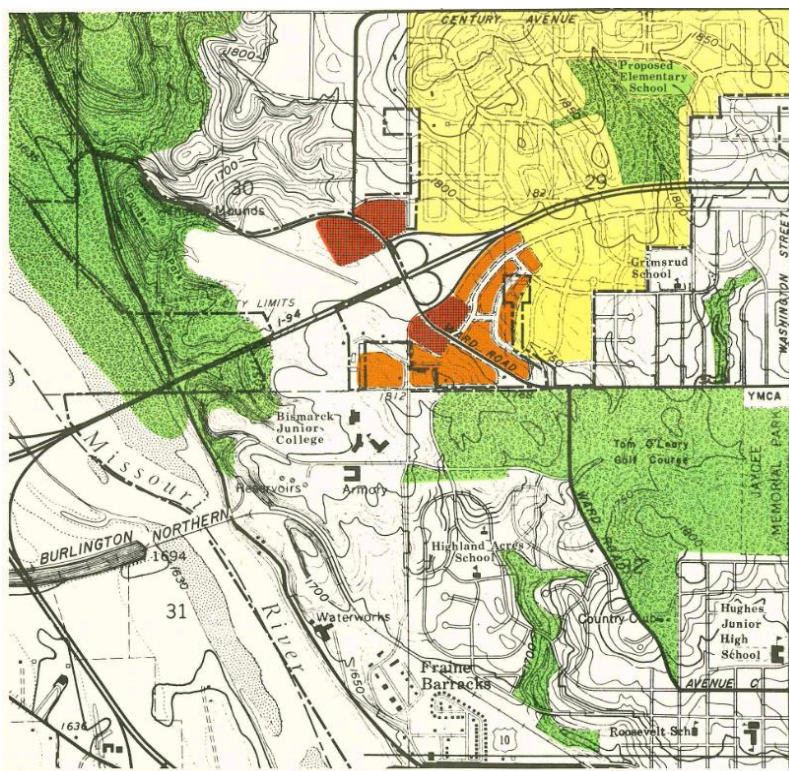
Another Colorado-based consulting firm, Harman, O'Donnell & Henninger Associates, Inc., was retained in the early 1970s to create a suite of plans for Bismarck on

housing, future roadways, and future land uses on the fringes of the community. These master plans anticipated growth out to the year 2000, but a summary called '82 *Preview Master Plan* was also drafted to show a 10-year time horizon. The plans were created with assistance, both financial and practical, from the North Dakota State Planning Agency, a statewide resource that was available at the time to assist political subdivisions with planning efforts. Federal funds under Section 701 of the Housing Act of 1954

were utilized. While the federal program was initially only available for smaller communities, by the 1970s mid-sized cities such as Bismarck were offered Section 701 urban planning grants. Consultants utilized these funds to prepare plans for many cities and counties in North Dakota. Planners working at the time recall a certainly amount of cutting-and-pasting involved. It was not unheard of in North Dakota for a draft document created through Section 701 to accidentally reference the name of a different community.

Although housing figured into all previous planning efforts, this was the first plan to recognize the dual challenges of substandard housing quality and housing affordability for the low and moderate-income residents of the city. The plan noted that the housing market was functioning quite well for the general population, notwithstanding a few concerns with city engineering standards raised by developers, but lower-income households were being left behind. The adoption of this plan coincided with an aggressive building campaign to construct new dwellings for senior and low-income residents, including Crescent Manor and adjacent townhomes in south Bismarck, many of which were already underway by the time the plan was completed. Funding from HUD Sections 235 and 236 was used for these projects, which were eventually taken over and managed by the Burleigh County Housing Authority

The 1972 *Bismarck Fringe Area Master Plan* followed a similar format as the master plan in 1965 *Bismarck Plans*, although to a somewhat greater level of detail. The most significant difference was the addition of park and open spaces areas, generally applied to areas with steep slopes or susceptibility to flooding. However, south Bismarck was slated for significant single-family residential development, despite being entirely within what was called the “Old Missouri Floodplain” south of Sweet Avenue. This flat land was deemed safe to develop by this period, due to the flood control provided by Garrison Dam upstream.



Source: 1972 '82 Review Master Plan

The plan did not directly address rural development, but it did show two small urban areas outside of Bismarck – the areas near Apple Creek Country Club and University of Mary, each with a small commercial center. The zoning map was later amended according to these recommendations, and small commercial areas were created in several rural subdivisions, all of which remain undeveloped or occupied by marginal non-compatible uses. Although these locations never developed as anticipated with urban services, the subdivisions of Imperial Valley and Fort Lincoln Estates (later incorporated as the City of Lincoln) were developed with a similar character just a few years later through the federal Farmers Home Administration program.

Much like 1965 *Bismarck Plans*, the 1972 *Fringe Area Master Plan* underestimated the amount of land needed for commercial development. Reasoning that the Kirkwood Mall and downtown would remain the dominant regional trade area, only small neighborhood commercial sites were proposed near Interstate 94 interchanges and arterial roadways. The majority of north Bismarck was expected to be residential, even right up to US Highway 83. On the other hand, the industrial areas were accurately identified as the southeast toward the airport, and along the future Bismarck Expressway south of the interchange.

The 1972 *Fringe Area Street Plan* did not materialize as expected. The plan showed future local roads, which were not generally followed by developers when drafting their subdivision plats. However, the major roadway plans were also largely not followed. The *Fringe Area Street Plan* advocated a highly curvilinear network even for major roads, including a system of parkways that would run through drainage areas with no adjacent development. A “circumferential arterial” was proposed around the entire northwest quadrant of the city. Evidence of this plan can be seen today in the curve to the north taken by Ash Coulee Road, but the planned curve back to the south connecting to the Tyler Parkway interchange never occurred. The plan also recommended removing a prohibition of cul-de-sacs from the ordinance, which was not enacted.

Downtown Planning under Urban Renewal (1966 – 1975)

Urban renewal, a nationwide endeavor to remove blight and modernize central city areas, began in Bismarck in 1966. A citizen committee appointed by the City Commission determined that, despite Bismarck’s overall “enviable reputation,” the central business district showed “serious signs of obsolescence.” The committee noted an absence of any plan for land use, parking, traffic flow, or public facilities for the area. The City Commission acted upon the recommendation and applied for funding from the federal Housing and Urban Development (HUD) agency to create a Bismarck Urban Renewal Agency.



Source: 1970 Central Bismarck Design Study

Meanwhile, the Tafton and Bean firm that created the 1965 *Bismarck Plans* also drafted a downtown plan that was adopted in 1968. The year 1968 turned out to be pivotal for the downtown. After a protracted debate between downtown and lands near Bismarck State College, a downtown site, formerly a pig farm owned by the Wachter family, was selected as for the Bismarck Civic Center. Also in this year, a group of investors began construction on the Parkade mixed-use parking ramp on North 5th Street. When the investment encountered difficulties, it was completed by the City with funds from a special assessment of benefitted properties. This city action was challenged in court and adjudicated by the North Dakota Supreme Court, and the City ultimately prevailed. The properties within this district were granted permanent relief from the requirement to provide their own off-street parking in the zoning ordinance.

Another major downtown study conducted through the Urban Renewal Agency was the 1970 *Central Business District Design Study* (sometimes also referred to as the urban renewal plan), prepared by Urban Planning Consultants, Inc. This plan fit squarely within the genre of urban design, with a specific focus on building form, circulation, and aesthetics. The plan set the stage with the problem. Downtown was challenged by obsolete buildings, congestion, dullness and, perhaps most importantly, a newly ascendant competition in Kirkwood Mall a few blocks to the south. Action would need to be taken soon.

Source: 1973 Bismarck Center Phase 2

In contrast to previous plans, a clear emphasis was placed on the pedestrian experience in downtown. This would be accomplished through the creation of a four-block pedestrian mall, closed off to vehicular traffic, and a system of 2nd-floor enclosed walkways between buildings. Pedestrian areas would be generally separated from high-traffic vehicular corridors, such as Main Avenue and 6th Street. Proposed changes to buildings were equally radical. The plan proposed specific designs for an eight-block core area, which involved the removal of all historic buildings (except the federal building and the depot) and redevelopment with modern design. A physical scale model of this redeveloped area was created.

The Urban Renewal Agency hired another consulting firm to draft the more narrowly focused *Bismarck Center* plan in 1973. Concepts of the mini-mall and skyway were retained from the previous plan, with adjustments such as the use of one-way streets instead of complete prohibition of vehicles, in preparation to use significant funds from HUD that had to be spent before a looming deadline.

Urban renewal funds were also available through state-enabled legislation. The North Dakota legislature enacted a bill allowing Tax Increment Financing in 1973. Bismarck utilized this funding mechanism, which financed initial development costs through revenues generated by the resulting development, for several small-scale development projects over the years, as well as three public parking structures. The *Official Urban Renewal Plan* also functioned as the guiding documents for this long-standing Tax Increment Financing district that ended in 2017. It was revised on many occasions over the decades to adjust boundaries and project scopes.

These downtown plans were partially implemented. Many mid-sized cities in the United States did install pedestrian malls during the 1970s, with varying degrees of success. Bismarck opted for the hybrid form, known today as Chancellor Square, where cars and people effectively comeingle to this day. Certain blocks were entirely cleared, such as the block containing the Radisson hotel, which contains the only skyway built as shown. A parking garage was built in the location proposed on 3rd Street, but without the recommended ground-floor active uses.

On the other hand, the block containing the Patterson building was not demolished according to the plan. In the early 1980's, the iconic downtown hotel was saved from impending condemnation and restored into a supported multifamily residential building, using HUD funding, and the Patterson building was historically rehabilitated again in 2020. In fact, this block is presently one of the most valuable in the city, as measured on an assessed value per square footage basis. Although the details vary, many of the overall concepts of the plans from this era endure.

Urban renewal was already becoming controversial nationwide by the time it started in Bismarck, primarily due to displacement of existing residents. Other cities had also experienced delays between demolition and expected rebuilding, with lots remaining empty for long periods of time. This applied to Bismarck as well. Some sites that were cleared were redeveloped right away, such as the Wells Fargo building on East Broadway Avenue, but others remained vacant for many years. The southern half of the block containing the Radisson hotel was cleared during urban renewal, but not developed until 2021.

Urban renewal encountered other forms of opposition. Downtown property owners in Bismarck raised concerns about the loss of parking and potential for taxation involved with a pedestrian mall, and several opposed the plans on these grounds. Newspaper coverage by the Bismarck Tribune reveals that Bismarck leaders were aware of these challenges and attempted to mitigate each with the plan, while still utilizing the tools available from the federal government to clear and redevelop sites.

Addressing Urban Sprawl (1975 – 1983)

The first professional planning staff were hired in the early 1970s, with the job of serving both the City of Bismarck and Burleigh County. Starting in 1975, staff from the City of Bismarck Community Development Office began work toward comprehensive plans to be adopted by each jurisdiction. The *Comprehensive Policy Plan* was intended as the first phase in a process that would result in a full-scale comprehensive plan and a program for implementation through zoning, capital improvements, and other development procedures. This was the first large-scale planning effort undertaken predominantly by city/county staff.

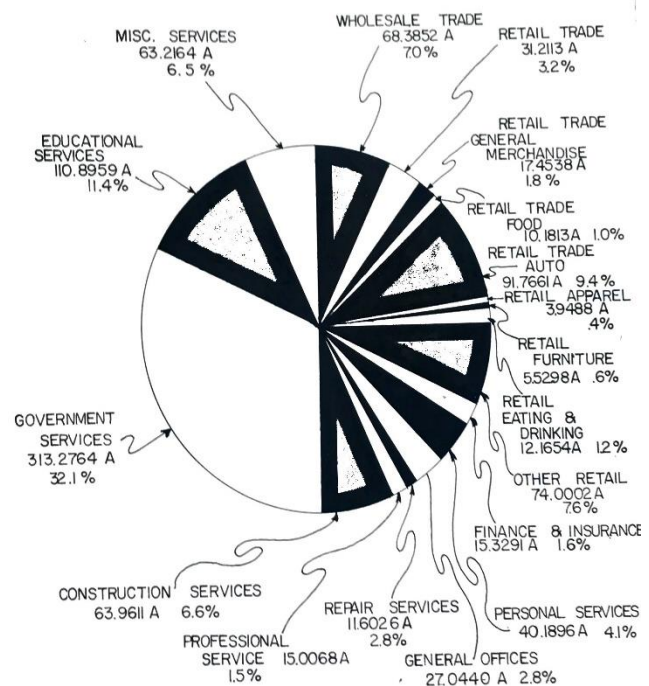
In preparation for the comprehensive plan, significant inventories and research were undertaken by planning staff, including a household survey of residents in the fringe area. A total of 1,000 households were randomly selected to receive a survey, and 284 participated. Respondent generally favored growth of the city, but also supported preservation of open space, protection against commercial areas abutting residential, safe walking routes to schools, and other limitations on unregulated outward growth. This survey and other outreach events marked a turn toward public participation that would become the norm for future planning processes.

The old concept of extraterritorial zoning (ETA) returned in the 1970s through new state enabling legislation. Bismarck availed itself of this authority, enacting a series of ETA ordinances to plan in areas anticipated for future city growth. The 1978 North Dakota Supreme Court case *Apple Creek Township v. Bismarck* established the city's exclusive zoning control over these fringe areas.

After several years of laying the groundwork, The *Comprehensive Policy Plan* was adopted by the Bismarck City Commission in 1980. The plan included a series of goals, policies, and programs related to residential

neighborhoods, parks, transportation, business and industry, the central business district, public facilities, urban fringe growth, and civic beauty. Unlike the two previous plans, it did not attempt to estimate future growth or assign it to any particular areas.

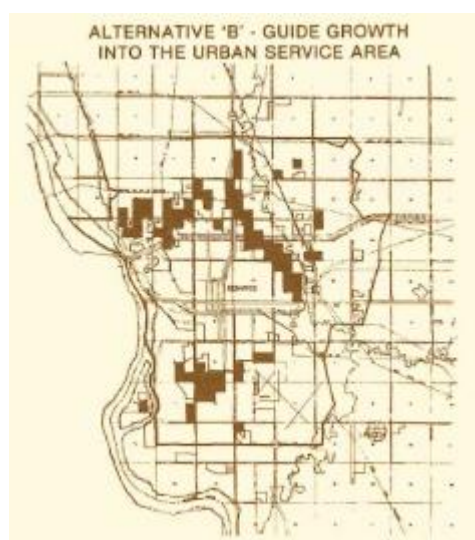
The element of the plan that received the most attention was how to address unplanned urban and rural development on the fringes of the community. Although the plan itself does not use the term, "sprawl" was mentioned frequently during the process and the Bismarck Tribune even dubbed this the "urban sprawl policy." The nationwide 1974 study *Costs of Sprawl*, conducted by the Real Estate Research Corporation, detailed the costs to transportation networks, the environment, housing, utility infrastructure and public facilities, and was highly influential in the planning and development professions. While previous Bismarck plans often considered new development inherently beneficial to the community, the 1980 *Comprehensive*



Commercial land uses Source: 1975 Land Use Analysis

Policy Plan was intended to set a framework for evaluating new development proposals to ensure they were truly within the public interest.

The *Comprehensive Policy Plan* created an Urban Service Area and an Urban Transition Area, both outside of city limits, and set separate criteria to evaluate development proposals within each. The Urban Service Area was intended to accommodate short-range development of the city, where water and sewer could be extended at reasonable cost. If larger lots were desired in this area, smaller urban lots should also be shown for future replatting, a practice known locally as “ghost platting.” The outer Urban Transition Area was more suitable for large-lot rural residential subdivisions without city services. Rural development beyond the transition area was discouraged, as was the incorporation of any new cities within the vicinity of Bismarck. The highest priority was the development of vacant lots already within city limits and redevelopment at a greater density within the Central Business District.



Source: 1983 *Growth Management Techniques*

This *Comprehensive Policy Plan* dovetailed with a similar planning effort led by the Bismarck Area Chamber of Commerce, known as Project 2000. A committee was formed to imagine Bismarck twenty years into the future, and they predicted dramatic population growth and a surging economy based on manufacturing. While the aspirational outlook may have provided energy behind planning efforts, it also gives caution about extrapolating current trends well into the future. For example, the committee predicted that condos and mobile homes would dominate the 2000 housing market. However, for the most part, the *Comprehensive Policy Plan* avoided these pitfalls inherent to any predictions in the ultimate policy recommendations.

Many of the general principles in the *Comprehensive Policy Plan* have stood the test of time and remain in practice today. The plan called for landscaped buffers between residential and commercial area, mixed-use development in the

downtown, transportation investments that include pedestrians and bicyclist, neighborhood elementary schools with walkable character, development that works with natural features, a hierarchical street network with access management, small parks within new subdivisions, and open space corridors with pathways running through residential areas. Notably, historic preservation was featured prominently, with the goals of restoring original architectural facades for downtown buildings, a principle that was mostly absent from the downtown plans of less than a decade before.

The plan is still used and referenced today as an active component of the City's *Comprehensive Plan*. However, the *Comprehensive Policy Plan* was not intended to be a comprehensive plan for Bismarck. Indeed, one of the objectives is to “adopt a *Comprehensive Plan* to guide future growth of Bismarck.” Two additional brochures were released, *Growth Management Considerations* in 1980 and *Growth Management Techniques* in 1983, and together all of these documents were deemed to function as the comprehensive plan for Bismarck and Burleigh County. Three growth pattern alternatives were presented for consideration: A) status quo of unplanned growth, referred to as “confetti growth,” B) consolidation of growth in or near existing city limits, and C) growth into several urban clusters in the fringe areas. Alternative B, consolidation of growth, was selected in the 1983 edition as the preferred scenario.

The 1983 *Growth Management Techniques* included traditional data analysis of growth projections and calculation of acreage needed to accommodate expected growth, but it also included a new set of data that offered a more robust perspective. A thorough vacant lot inventory was taken in 1983 by the Bismarck Engineering Department, and it was determined that the city could absorb several years of anticipated growth purely from vacant lots that were already annexed and platted. The plan divided the city into six areas – concentric circles of development intensity from the core of the city all the way to rural and conservation areas in the outer fringes. These areas closely resemble a concept later popularized by New Urbanists as the transect. The plan was truly comprehensive, in the sense that it envisioned both inward and outward growth and grappled with the unique challenges endemic to each.

Transportation Planning through the MPO (1980 - 2020)

The Bismarck-Mandan Metropolitan Planning Organization (MPO) has functioned as the primary transportation planning agency for the broader metropolitan area since it was founded in 1982. While MPOs were created by, and have been continuously funded through, the federal Department of Transportation, they are governed by representative localities within the region. While the MPO has conducted numerous transportation-related studies and plans over the years, the two most relevant to land use planning in Bismarck have been the Long-Range Transportation Plan, recently renamed to the Metropolitan Transportation Plan, and the 2003 and 2014 Fringe Area Road Master Plans. The MPO was also involved in regional land use planning activities, which are addressed in the next section.

The Long-Range Transportation Plan is produced in Bismarck-Mandan on a five-year update cycle. These plans consider any transportation improvements that may be necessary to accommodate future travel needs of the public within a 25-year time horizon. Because the plan is used to allocate federal transportation funds, the ultimate project lists included in the plan must be constrained to the anticipated levels of funding available, a rule that took effect in 1991. This provides realistic limits that force a healthy regional debate over prioritization of goals.

Land use and transportation planning are inherently connected. The development of transportation infrastructure and the allocation of funds to various modes of travel have a profound influence on the pattern of land use development. At the same time, future expectations for land development are a primary justification for expenditure of transportation funds. Because of this symbiotic relationship, the plans for future land use and transportation are aligned with each other through what becomes, in practice, an iterative process. This has been the case for all adopted plans used for Bismarck, with the transportation and land use plans running in parallel and referencing each other.

The Long-Range Transportation Plan has overlapped with land use in a few specific ways. Dating back to the 1980s, increasingly sophisticated computer models have been used to estimate future traffic on the roadway network. These estimates are based on assumptions for population and job growth in small geographic areas, and this data is used to estimate how trips will be made between regional destinations. While unavoidably speculative at this scale, the transportation plans rely on previously adopted land use plans and the expertise of local staff to assign this future growth with the best available information.

Secondly, the Long-Range Transportation Plan sometimes includes major concepts that function as a framework for regional growth. The 2001 plan initiated the concept of a beltway around the north and south of the community, from a new interchange off of the interstate to a northern bridge crossing the Missouri. Although this plan was outside the fiscally-constrained scope, it recommended obtaining rights-of-way for the eventual reality of the beltway. Most future land use plans going forward would use this

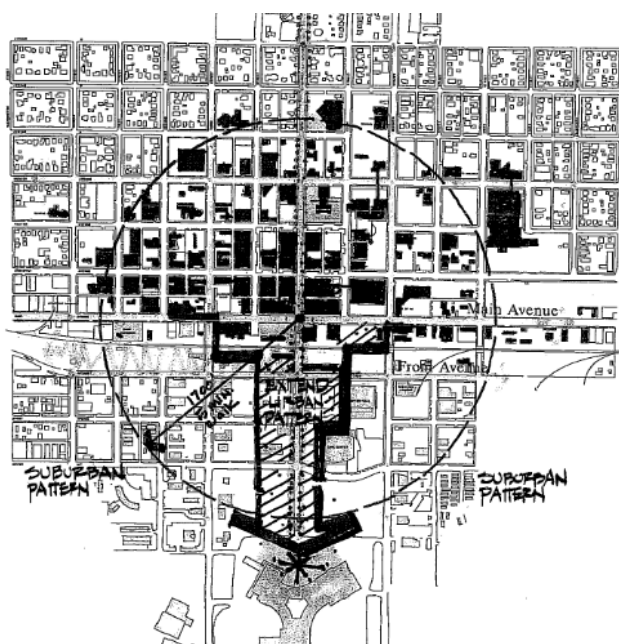
beltway as the basis for commercial and industrial growth. The major elements of the beltway are still in the 2020 plan, although it remains outside of the fiscally-constrained 25-year time horizon.

The 2003 *Fringe Area Road Master Plan* revived a concept from the 1970s to reserve transportation corridors for future city development, utilizing authority granted by Chapter 40-48 of the North Dakota Century Code dating back to the original Planning Act of 1929. As subdivisions are reviewed by the Planning and Zoning Commission, sufficient rights-of-way for major roadways called arterials and collectors would be dedicated to the public. Once funds are available and the need presents itself, roadways could be constructed in these corridors.

The network proposed in the 2003 *Fringe Area Road Master Plan* differed dramatically from the 1970s version. The curving network of parkways from the previous plan were replaced with a loose grid aligned with the sections of the Public Land Survey System. Although not part of the plan, the City of Bismarck created a process to amend the planned roadway corridors during the development review process. The 2014 update made some adjustments to the proposed network and included a new process for reviewing future amendments that may arise during the development review process. These master plans have been followed relatively closely as the city has developed, with only a few formal amendments necessary.

The Next Generation of Downtown Plans (1993 – 2013)

Bismarck leaders always recognized the downtown as a unique place within the overall city, but the role the core would play in the City's planning efforts transformed over the years. The 1993 *Central Bismarck District Plan* represents a paradigm shift from the 1970's urban renewal plans that would set the course for the next era of downtown planning that continues to the present. The consulting firm of Dahlgren, Shardlow, and Urban Associates was convened by a partnership of the City of Bismarck, The Downtowners (a business organization), and the Bismarck-Mandan MPO to create the plan. A number of public meetings, a visual preference survey, and advisory committee guidance were conducted before ultimate adoption.



Source: 1993 Central Business District Plan

The plan was predominantly interested in urban design. Much like the early urban renewal plans, the focus remained on encouraging higher densities and prioritizing pedestrian access. However, the posture toward the traditional urban building and streetscape form was radically different. The buildings that were deemed “obsolete” in the 1970s were now considered not only historically significant and worthy of preservation, but a model to be encouraged in future architectural design. This included a mix of uses with ground floor active uses, buildings with no or minimal setbacks, surface parking hidden away, and building facades with authentic materials. By the mid-1990s, the New Urbanist movement had achieved widespread acceptance among planners and architects, and the *Central Bismarck District Plan* employed many of these design principles for Bismarck.

The posture toward the more auto-oriented commercial areas was also notably different. The Kirkwood Mall was no longer considered a rival to the downtown, but rather a potential cooperative partner. Sketches were drawn up for a dense commercial corridor along 5th Street to create a direct connection between the City's first indoor mall and its downtown, including the civic center in between. The plan shifted away from attracting department stores with general merchandise to the downtown and recommended embracing specialty retail, entertainment, and public events. To this end, new public spaces were recommended, including the reinstatement of a plaza in front of the historic train depot. The plan also emphasized the critical need to grow the housing stock in the downtown.

Paradoxically, the plan also included transportation improvements that would remove sidewalk space and restrict on-street parking in favor of more roadway capacity for vehicles. Widening and adding lanes to the major downtown roadways was justified with future traffic projections, which turned out to be mostly erroneous. For example, traffic volume on North 3rd Street was expected to increase from 11,400 to 14,500 trips per day by 2010. Instead, it decreased to 7,395 trips. The advisory committee debated the trade-offs between loss of on-street parking and additional travel lanes and settled on a compromise to use the outside lanes for travel during the six peak hours each day and allow on-street parking off-peak.

This transportation component of the plan was partially implemented on Main Avenue. It was widened in 2000, but on-street parking was never restricted and four lanes, rather than five, were created. Another contemporary proposal to widen North Washington Street through the developed portions of Bismarck, including the Cathedral Historic District, was met with intense opposition from local residents. After several rounds of informal negotiation, an agreement was reached to partially widen the street to three lanes while preserving the historic trees and installing placemaking features to mitigate these effects.



Source: 2013 Downtown Subarea Study

The *Central Bismarck District Plan* was highly influential on future city policy over the next decade. The same consulting firm was hired to create *Streetscape Guidelines for Downtown Bismarck* in 1995, creating a consistent design for street furniture and other features in the public right-of-way. These streetscape standards were updated in 2019, but the general aesthetic from the original plan was kept. When a Renaissance Zone program was initiated in 2000 to encourage revitalization of the downtown, the goals and objectives from the *Central Bismarck District Plan* were

mirrored verbatim in the *Renaissance Zone Development Plan* and remain mostly intact in the current version of this plan. A Downtown Historic District was formally registered into the National Register of Historic

Places in 2001, further supporting the value of preserving the City's heritage. Finally, new DC – Downtown Core and DF – Downtown Fringe zoning districts were created in 2004 to codify many of the dimensional and use-related elements found in this plan.

The 2013 *Downtown Bismarck SubArea Plan* continued many of the same themes, but also expanded the vision in several ways and charted a clear course for implementation. The plan was also highly visual, the first to use computer-generated renderings and illustrations to illustrate each topic. It was prepared by the consultant Crandall Arambula with funding available through the Bismarck-Mandan MPO. The fundamental concept of the plan was that certain strategic public investments could catalyze significant private investment in the downtown.

The high-priority projects were called game-changers. First, Main Avenue should be reduced in travel lanes to increase safety and create a more inviting environment for pedestrians. Second, the parking lot in front of the historic depot should be acquired by the City and transformed into a public plaza. Third, streetscape improvements should be made to South 5th Street to facilitate development and create a connection to Kirkwood Mall. Fourth, a new convention center hotel should be constructed as a private development. A few other “essential projects” were also included and visualized.

It's too early to judge the success of implementation at this point. The Main Avenue road diet has been completed, although restoring the sidewalk area to its pre-2000 status has proven too costly. A major private development project called 5South was proposed along the 5th Street corridor. However, this is no longer actively being pursued by the development group, at least not at the scale originally proposed, and the public funding source for streetscaping is no longer available. Some projects were tested as temporary “pop-up” exhibitions, such as a multiuse pathway connecting the downtown with the river. Other projects have been completed as proposed, such as the establishment of a quiet rail corridor and the conversion of Chancellor Square back to two-way traffic. Progress toward plan implementation continues.

21st Century Growth Management Plans (2003 – 2017)

The next era of growth management in Bismarck was initiated with the adoption of the 2003 *Growth Management Plan*. The primary impetus for this round of planning efforts was the growth of rural residential subdivisions within the City's extraterritorial area (ETA) and the effects of these developments on the City's ability to grow and remain fiscally healthy. While the plan was underway the State expanded Bismarck's ETA authority to four miles from city limits, and exercising this options was discussed and ultimately recommend in the plan. The City Commission passed a moratorium on all rural residential development in 2003 to allow time for City staff prepared a new plan for growth management.

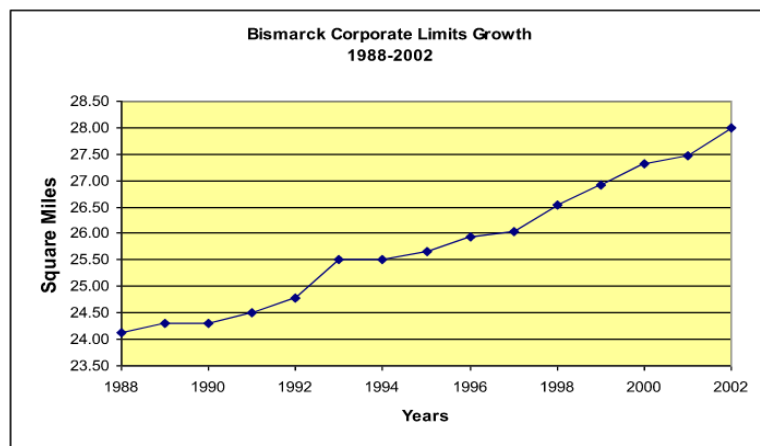
Although the plan was created for and adopted by the City Commission, representatives from other political subdivisions were present on the advisory and technical committees that guided the process. The advisory committee was comprised of mostly elected officials and representatives from the development industry, and a technical advisory committee of staff supported this committee. City staff drafted the plan. The entire process was completed in only six months, which is a far shorter time frame than previous plans.

The City was still developing its Geographic Information System (GIS) at this time. Land records had just been digitized and significant efforts were underway to establish databases to support comprehensive plans. Prior planning efforts, such as the 1980 *Policy Plan* were supported by years of studies with painstaking inventories of parcels, city assets, and land uses. The new GIS system provided these data

necessary for plan-making on an ongoing basis with greater detail and analytical functionality. This was the first of Bismarck's plans to take advantage of these technological resources.

The *2003 Growth Management Plan* noted the preponderance of low-density residential subdivisions at the periphery of the city, especially larger-lot rural subdivisions on private septic systems. While growth in the 1990s was slower than average, a majority of the growth in the region was occurring in Burleigh County outside of city limits. The plan attributed this effect to financial reasons, such as property tax exemptions and suppressed assessment valuations only available outside of city limits, and also a desire for a rural lifestyle in the housing market and the recent availability of rural water. The plan identified several public costs associated with this development type, including infrastructure construction and maintenance, less efficient emergency services, conflicts between residences and agriculture, and tax fairness between county residents inside and outside of the city.

A critical concern of the *2003 Growth Management Plan* was that existing rural residential growth would create a barrier to future urban growth. In the interest of reserving areas for future urban land use, a new Future Land Use Plan (FLUP) was included for areas outside of city limits, the first since the *1972 Land Use Master Plan*. The plan also revived the Urban Service Area Boundary (USAB), which was intended to show areas that could be expected to develop within the next 10 – 15 years. The USAB, which was based on prior master plans for water distribution, wastewater, and stormwater systems, showed a growth area of roughly one mile in all directions, except to the southeast where the airport, Apple Creek floodplain, and City of Lincoln precluded any growth. The emphasis was on growth to the northeast where flat terrain would be easiest to develop. Both the FLUP and the USAB were formalized and incorporated into the zoning ordinance.



Source: 2003 Growth Management Plan

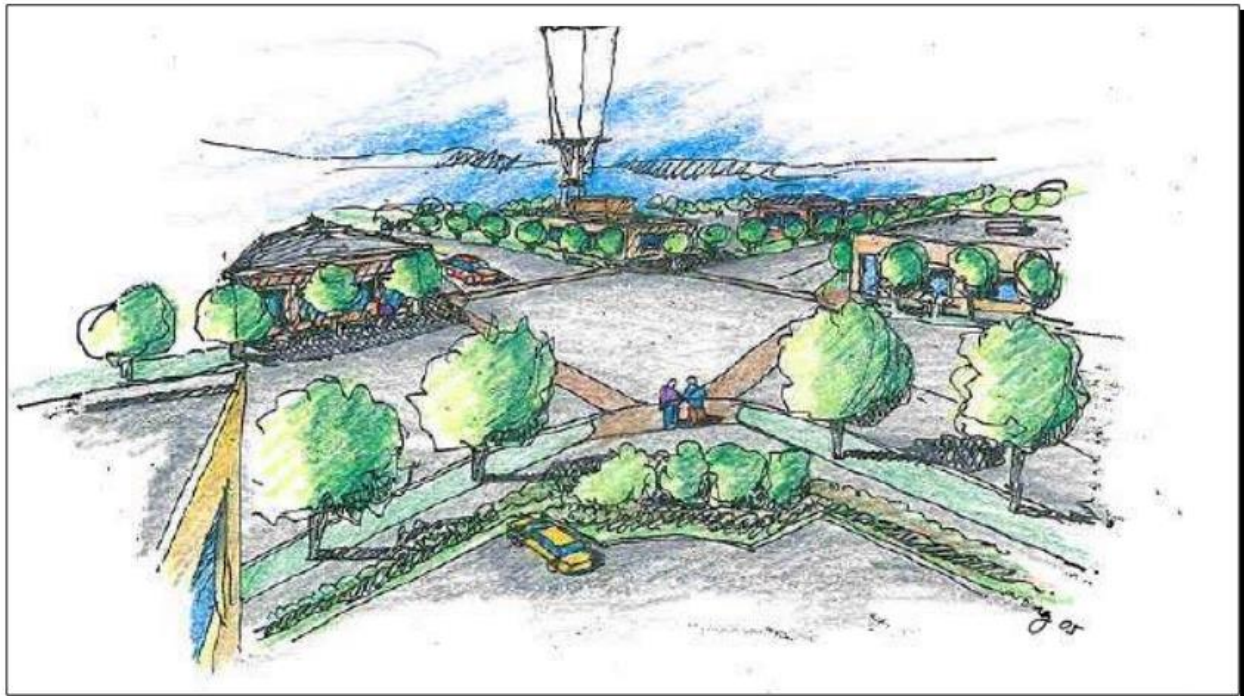
The *2003 Growth Management Plan* included an updated policy plan with a set of goals and objectives to guide growth. A number of policy recommendations were made to limit rural development within the USAB, or to at least allow it to be densified once reached by the city limits. The plan recommended expanding the ETA to the allowed four miles, which the City did but later reduced through negotiations with Burleigh County. Other policies considered gradual transitions between land uses of different intensities, coordination between

land use planning and expansion of the transportation network, and attention to the aesthetics of gateway corridors. Many of the policies established in the *1980 Policy Plan* were included and carried forward as well.

The accompanying generalized Future Land Use Plan assigned only commercial and industrial areas. With the exception of commercial development along State Street, no other planned development areas have yet been built by 2021. Seven light commercial nodes anticipated at major intersections remain undeveloped, although one has been zoned for commercial growth at 43rd Avenue and Washington Street.

All proposed future industrial areas remain undeveloped. This is partially a result of the land use plan's reliance on the beltway concept, with a new eastern interchange to the Interstate and a northern bridge across the Missouri, that has not yet occurred. Without these infrastructure improvements, the land use did not follow.

To implement the recommendations, an action plan was created with tiers of priority for amendments to the zoning and subdivision ordinance, related predominantly to rural development. Immediate action items included increased minimum lot sizes for rural residential lots, ghost platting with legally-binding dimensions, and the formalization of policies for the ownership of undevelopable land. Most of the immediate and short-term actions were completed as proposed.



VIEW OF STREET INTERSECTION – WASHINGTON STREET / 57TH AVENUE

Source: 2006 State Street Corridor Plan

A few years after the adoption of the Growth Management Plan, a 2006 *Highway 83 Corridor Study* and the 2007 *Regional Future Land Use Plan* also included future land use plans that showed uses on a map expected until the year 2030. These newer and more detailed plans, both led by Ulteig Engineers with support from the MPO, supplanted the Growth Management Plan for the purposes of development review during this era.

The 2006 *Highway 83 Corridor Study* envisioned significant commercial development along this roadway, organized into mixed-use nodes with minimal building setbacks reminiscent of Bismarck's downtown, with a range of residential densities behind. These land use assumptions then supplied the basis for a strategy to allow enough transportation access to support development without compromising the mobility necessary for long-distance travel to and from Bismarck. Then the 2007 *Regional Future Land Use Plan* used a mapping model to generate an "optimal land use" for various areas based on existing site characteristics.

The 2014 *Growth Management Plan* was prepared as an update to the 2003 version of the same name, this time with assistance from the consulting firms URS Corporation, RDG Planning & Design, and SRF

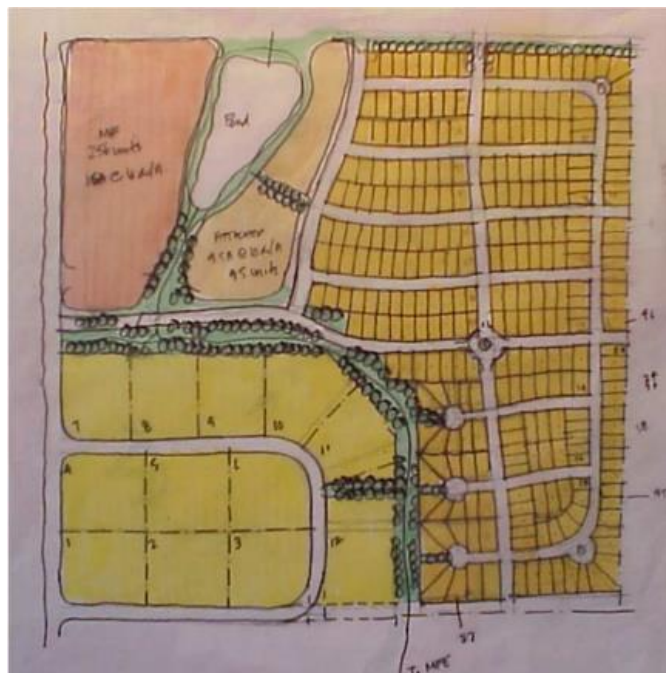
Consulting Group. The basic principles of the previous plan remained unchanged. The update analyzed more recent data and adjusted projections. Because the process occurred during a period of high growth due to an oil boom in western North Dakota, the plan took a very ambitious stance toward future growth of the community, an approach also taken concurrently by the long-range transportation plan. High levels of population growth were projected, and therefore a large area of future growth was needed to meet this growth.

The 2014 plan returned to the challenge of rural development hemming in future urban growth. In a noteworthy departure from the previous plan, it was assumed that adapting existing rural development to future urban development, the practice known as “ghost platting,” was not feasible for a variety of reasons. Ghost platting was not recommended for new subdivisions, and it was no longer assumed that existing rural residential subdivisions would eventually be annexed. Other alternatives were explored, but the plan settled on the concept of “built-through acreage.” Rural residential developments could be allowed within the urban service area, but only as a small percentage of the overall area of development. Other lands must be set-aside and master-planned for future urban development or reserved for open space.

The 2014 *Growth Management Plan* introduced the element of a Growth Phasing Plan. While the Future Land Use Plan would be used to show which zoning would be appropriate for certain areas outside of Bismarck, the Growth Phasing Plan indicated the sequence by which the development should occur. The intent was to discourage development from “leap-frogging” further from the city limits, adding strain to city infrastructure. The plan called for annual revisions to the Growth Phasing Plan, which have become the practice. The high priority areas of this plan were significantly reduced in size during later revisions of this plan.

The 2016 *Infill and Redevelopment Plan* was initiated as a complement to the adopted Growth Management Plan, with the purpose of looking inward rather than outward for potential new growth of the city. The plan explored the opportunities and challenges inherent in any new development within existing neighborhoods and business districts, and also set a number of design principles to help mitigate any concerns residents may have with neighborhood change. The plan also featured illustrative redevelopments of three specific sites to demonstrate possible build-out, one of which is currently in the process of being developed.

A primary focus of the Infill and Redevelopment Plan was specific ordinance and policy changes to remove unnecessary barriers and promote high-quality standards. Many of the strategies have been implemented, including adjusting setbacks based on context, creating an historic preservation commission, revising



Build Through Acreage Sketch Source: 2014 GMP

minimum parking standards, encouraging accessory dwelling units, reviving the city's vacant parcel inventory, and requiring standards for rental property maintenance. Other strategies are still in process.

In recent years, the City of Bismarck has also adopted strategic plans, first in 2012 and then in 2019. These plans set goals for the City of Bismarck, as an organization, and a work program for each of the departments. Although not directly related to land use planning and city growth, these strategic plans establish a vision and values for the community that has been informed by extensive community outreach. The current vision statement is:

“Bismarck is a preferred destination for people who enjoy living, learning, working, and playing in a city with an enduring community pride. We embrace our rich heritage, economic opportunity, and lifelong learning to cultivate a healthy and sustainable environment fostering opportunity for all.”

Because several different plans relating to growth and development are actively in use, the Community Development Department refers to all plans collectively as the Comprehensive Plan. In compliance with state law, changes to zoning and subdivisions are routinely evaluated according to this suite of plans for compliance before any statutory authority is exercised.



Source: 2016 Infill and Redevelopment Plan

Bismarck's Planning Tradition

This review clearly demonstrates that Bismarck's history is deeply rooted in the task of planning for its own future. The city was the first to enact zoning in a state that was on the forefront of the movement in the early 20th Century. As stated in the 1941 *Plan for Development*, “it is a tribute to the wisdom of North Dakota that it has foreseen the advantage of planning.” In many ways, the City's current efficient urban form and function is a testament to the years of planning that preceded the physical development of the community.

Each subsequent plan for the City has built upon its predecessor in an incremental fashion, rather than pursuing a radically new path, and there are common threads that can be found from all plans back to the beginning. First, the plans have all been fundamentally practical. 1941 *Plan for Development* describes its purpose as: “to the end that orderly arrangement and accommodation can be had at a minimum cost, and maximum advantage to the taxpayer.” The bean-counting ethic would continue all the way through to the present, with the 2016 Infill and Redevelopment Plan focused on maximizing the use of land already served with municipal services.

Second, each of the plans have been modest about their grasp of the future and open to adaptation over time. The 1965 *Bismarck Plans* noted, “this plan is not a static document which will rigidly control future growth of Bismarck ... but will need to be modified, amended, and strengthened by periodic review.” Indeed, many of the visions of decades into the future were not realized exactly as shown, but the Planning and Zoning Commission always at least had a benchmark by which proposed changes could be measured. The Planning and Zoning Commission has dutifully reviewed the plans over time and engaged in periodic major planning efforts as needed to rethink the direction of the City.

Third, each of the plans have mirrored national trends underway at the time. Certain popular themes, from designing for the ascendant motor vehicles to reigning in urban sprawl, are evident in the planning documents of each era. However, the consultants who delivered the new ideas were always guided by city leaders who could help it fit within Bismarck’s unique heritage. The few more radical planning concepts, such as the demolition of whole blocks of downtown for modern redevelopment, can be attributed to the directives of federal funding. Large sums of grant funding with specific conditions needed to be spent in a short amount of time.

Fourth, growth management has been a constant theme among the City’s plans. Bismarck has experienced continual population growth at a relatively consistent pace over the entire century, an unusual privilege which enables reasonably accurate projections and ensures that careful plans could advance without the excessive shocks of economic boom-and-bust cycles. All plans have focused on efficient and orderly growth and have been attentive to any barriers that may exist to the outward expansion of the city.

At least in one sense, the plans have displayed a clear trajectory of evolution. Early plans relied heavily on the expert judgments of the planning consultant offering recommendations, with local guidance limited to the elected or appointed representatives charged with adopting the plan. As time proceeded, a wider net of participation was cast. By the 1960s, business leaders and others with interests in the development industry were included on steering committees. In the following decades, the participation of the general public has been sought in the form of surveys, public meetings, and various outreach events. While all plans have remained grounded in facts that can be ascertained through professional investigation, they are also expressions of value that can only be determined by the community itself.